

DISTRICT V ADVISORY BOARD

Minutes

www.wichita.gov

September 6, 2005

7:00 p.m.

Auburn Hills Golf Course Clubhouse

443 S. 135th West

Eight (8) District Advisory Board Members attended the District V Advisory Board meeting. Also in attendance was five (5) City staff. Approximately 10 members of the public were present with six (6) signing the sign-in sheet.

Members Present

Bob Bulman
David Dennis
Jerry Hoggatt
Andy Johnson
John Marker
DeAnn Sullivan
Ann Wellborn
Steve Winslow
Council Member Bob Martz

Members Absent

David Almes
Maurice Ediger

Staff Present

Officer Addie Perkins, Police
Cynthia Berner-Harris, Library
Jess McNeely, Planning
Tim Martz, Parks & Recreation
Dana Brown, City Manager's Office

Guests

Betty Ladwig, 406 N. Jaax
David McClanahan, 434 S. Firefly
Wanda Thimesch, 1350 Emelia
Lowell Stucky, 1231 S. Fieldcrest
Chris Bohn
Larry Underhill

Call to Order

Bob Martz, City Council Member, called the meeting to order at 7:12. He welcomed the public to the meeting and explained that any issues that did not appear on the agenda could be presented on the Public Agenda later in the meeting.

The minutes of the July 11th meeting were deferred for approval due to not being included in the agenda packets mailed to the Board Members.

Staff Reports

Community Police Report

Community Police Officer Addie Perkins, Beat 19, reported for the all police beats in District V including 16, 18, 19, and 199. She announced changes in officers for Beats 18 & 199 with Officer Bantz and Officer Haught covering those beats, respectively.

A decrease has been seen in the number of larcenies in District V. Police had made special efforts to educate and inform residents about keeping their vehicles locked and garages closed. Perkins said that extra effort has also been given to DUI patrolling. Some other problems have occurred with running stop signs on buses.

A question from the **Board** was asked about results from the increased enforcement for loud stereos in vehicles presented by Police last month. **Officer Perkins** said she hadn't heard about any issues;

the start of the school year may be a factor. Another question inquired whether there had been any additional patrolling for speeding and stop sign violations on Westport & 17th but no information was available.

Recommended Action: Receive and file

New Business

Library Programs

Cynthia Berner-Harris, Library Director, presented information about the Fall Library programs available for adults, children, teens, senior citizens, and information technology through a combination of support from the General Fund and Federal Funds. Brochures about the different programs were handed out and information given about how the programs are currently promoted. Although the programs are utilized well, the city would like to increase promotion efforts and the Board was asked to provide input on additional promotion methods. Questions were asked about current methods used. One idea was for additional efforts by the Neighborhood Assistants to help distribute the Library information. Currently, Library Marketing sends monthly updates to Neighborhood Assistants who e-mail to residents in their assigned council district using their district distribution list. The information could be available at the Neighborhood City Halls and sent with any mailings to neighborhood and homeowner associations.

It was reported that the Westlink Library Branch in District V was the most used branch. However, it is the only branch on the west side compared to three separate branches on the east side but West link's numbers are beginning to challenge the total of the three East side branches.

Council Member Martz asked Berner-Harris to tell about the arrangements being made by the city and the county for receiving Hurricane Katrina evacuees. **Berner-Harris** reported that approximately 1,800 individuals and another 500 who need hospitalization are expected to arrive in Wichita. Evacuees would first be taken to the Coliseum for processing including health assessments and identification cards. Shower facilities will be available, if desired by the evacuee. If medical care/hospitalization is not needed, individuals will then be taken to Expo Hall in Century II where sleeping arrangements, shower & restroom facilities, meals, daycare, reading materials & films, and recreation programs will be provided. In addition, reading materials, 35 computers, 50 phones, personal assistance, and other amenities would be available to help individuals find homes and jobs. A goal is set to help each individual find housing and jobs within 30 days.

Action: Received and filed.

Zoning 2005-00033

Jess McNeely, Planning, presented a request to change zoning from SF-5, Single Family, to NO, Neighborhood Office, for property located west of Tyler at Second Street extended intersection (303 N. Tyler). Information from the staff report was presented including intended use as neighborhood office building; currently surrounded by single-family residences, a middle school, and, a NO dental office; and existence of LC Limited Commercial zoning and development at Central and at Maple, each located approximately ½ mile north and south, respectively, of the subject property.

Traffic counts for the segment of Tyler along the subject property area are approximately 22,000. The 2030 Transportation Plan indicates this section of Tyler will become a 5-lane arterial and the

2005-2024 Capital Improvement Plan shows improvements planned for Tyler will be made between 2012 and 2014. One access point from the subject property is available onto Tyler.

Staff recommend denial to the request based on the proposed rezoning and land use would be out of character with SF-5 zoning and single-family residences surrounding the area; residences could still be used on the property as currently zoned; development could cause increased vehicular traffic in the area, already a busy site with the middle school and heavy commercial areas within ½ mile either direction; and, the site would not serve as transitional land use due to lack of conformance with Office Locational Guidelines and not being adjacent to community commercial development.

Chris Bohn, agent for the developer, addressed the Board saying that in consideration of the long-range planning for the area, it isn't likely that residential would be built on the arterial site anyway. It is more likely that investor buying groups would eventually buy out several houses at a time, phasing out residences such as happened on West Street. The residents surrounding the subject property are in a favorable position at this point to request stringent screening and the developer is willing to work with Traffic Engineering on concerns for access.

In response to a concern from the Board on how an approval could be justified to the residents living around the subject site, **Larry Underhill, property owner**, responded to say he had talked with residents on both sides of the subject property and they had no objections to his intended use for the property. It was stated that the property has been on the market for one year without being sold, noting the average sale time for homes in Wichita is 60 days with homes on Tyler being 14-16 months.

Council Member Martz asked if any citizens in the audience would like to speak on this agenda item. No one responded.

Council Member Martz then asked Board Members if they had additional comments or questions. The following issues were identified:

- Would prefer to see purchase of a group of homes together to control access onto the arterial street (Tyler).
- Concern about other residents' thoughts & feelings
- Development can't truly be controlled once zoning is changed.
- Tyler and Second Streets are extremely busy in this area with Wilbur Middle School activities.
- A shortage of office space on the west side has not been noticed.
- Appreciate the effort to make the area viable and believe the points made about residences being eventually bought out for office and commercial activity
- Planning's Golden Rules don't support the change request

Bulman (Sullivan) moved that the Board recommend denial, supporting the staff recommendation. Motion passed 8-0.

Action: Recommended denial 8-0.

(Sullivan left the meeting.)

Parks & Recreation

Tim Martz, Parks & Recreation, presented information and pictures about encroachments in The Meadows park area located south of Maple and west of 119th Street from properties located to the west in the Maple Valley subdivision. The nine encroachments varied from minor “yard art” to a shed on the public property. The issue had been brought to the attention of the Board Council Member Martz at a previous meeting.

It was reported that the owners of record for all encroachments were mailed a form letter on May 9, 2005 informing them of the encroachment onto park property and requesting each item be removed by August 15, 2005. All items but the shed were in the removal process or had been removed. The owners of the shed, Mr. & Mrs. David McClanahan, 434 S. Firefly, contacted park staff on May 13, 2003 requesting easement or a purchase of a portion of Meadow Park for the construction of a workshop (copy of e-mail provided). Mr. McClanahan was instructed to make a written request to the Parks and Recreation Director but no request has been received at this point.

The Office of Central Inspection (OCI) staff had recently reviewed the building permit for the shed structure at 434 S. Firefly and found that it is in violation of the permit (copies of building permit & site plan provided). OCI is prepared to issue a citation to the property owners. No surveying has been conducted at this point.

Some confusion was expressed by **Dennis** about why the building of some sheds would require inspections and others not, and did the owner have records of any inspections? It was explained that the shed at 434 S. Firefly permitted on skids. **David McClanahan, 434 S. Firefly**, said he did not receive any communication from the city regarding inspections.

Certain points regarding the wording on the permit were brought up that may explain a difference in permits for Dennis and McClanahan: 1) the shed on Firefly was to be on skids versus the shed built by Dennis on a foundation, and 2) the shed on Firefly was to be a “move-in” versus being constructed on site like Dennis did. No one was able to address the questions.

McClanahan said he had planned to build on the easement and was given verbal approval by staff in OCI. To do so, he contacted City Water Department, Cox Communications, Westar Energy, and Seminole for permission and provided each “hold harmless” statements. He said that OCI also gave him permission to remove a tree and move the shed east two feet from the site originally planned for the shed but he didn’t have anything in writing. He stated that he was not aware the easement was park property, and thought the dividing line was the sidewalk.

Hoggatt provided some history of the development of Maple Valley in 1991-1992. He said that he worked with the Parks & Recreation Department through investors to purchase the property around Calfskin Creek for a wildlife area. The trees were to be left which is why the property line follows the trees. The Maple Valley Homeowners Association paid for the park equipment. All of the easement ended up on city property but Hoggatt wasn’t sure how. As the HOA president for the first five years, Hoggatt said he attended to any concerns for infringements and building other structures on the properties. Currently, the homeowners association (HOA) uses the easement for picnics and get-togethers but Park maintains the area.

Hoggatt believes that such item as the trampoline should be approved to be there because it’s removable. He also doesn’t think a problem exists with the shed being on the easement as the neighbors are OK with it. But because he is a member of the HOA with history in the development, he stated he would refrain from voting on the issue.

The Board asked other questions:

- Is the shed located totally on easement or on the owner's property? **McClanahan** said the shed was partially on the owner's property & partially on the easement. More discussion took place on a move-in vs. constructed on site shed.
- Would the property owner have placed on property without the easement? **McClanahan** said there was not enough space for the shed on his property alone.

Council Member Martz stated that he was struggling with the challenges. He stated that the Board had reviewed this type of issue previously and recommended that structures be removed. He said it would be difficult to allow this situation to stand.

Board Members noted that homeowner associations and adjacent neighbors have no authority to approve building activity on property that does not belong to any of them, which in this case belongs to the city. Without any written statement of approval from the city to build on the easement, the property owner at 434 S. Firefly is legally responsible for his actions. Even with written documentation, a court of law might rule otherwise in a case of property. However, the City needs to survey for verification of at least property corners before any action is taken. In addition, clarification is requested about what conditions require building inspections and how those are communicated to the permit holder.

Bulman (Winslow) moved to recommend that the City to have the Park property surveyed and if the shed is found to be on city property, it should be relocated to the homeowner's property.

Winslow suggested revising the motion from surveying property lines to locating the property corners to save on expense. The motion passed 6:1.

Council Member Martz asked Park to have the corners of the property located prior to taking any action on this situation and to find out how OCI informs permit holders about inspections for building and whether office personnel advise permit holders about building on easements.

Action: City should locate property corners and owner should move shed, if determined that shed is on city property.

Public Agenda

This portion of the agenda provides an opportunity for citizens to present items not shown as part of the regular meeting agenda.

Concerns were expressed by **Lowell Stucky, 1231 S. Field Crest, and Wanda Thimesch, 1350 Emelia**, residents living east of the Cotillion, about disruption to the neighborhood due to safety and security issues including noise, trash, public urination, blocked driveways, and autos exiting through a field to access a sand road instead of exiting through the main road at 111th Street to Kellogg. They also said that the evenings when the van from T-95 radio station is parked outside the Cotillion, the music from the speakers is especially disturbing to the neighborhood. The residents presented a petition asking for an immovable fence. They requested support and suggestions from Council Member Martz and the Board to proceed with having residents sign and presenting to the Cotillion owner.

The residents provided background on the issue by explaining they had previously talked with Council Member Martz, showing him pictures of the concerns. The Council Member took the pictures to Police Patrol West where Community Police Officer Baker was assigned to the complaint. The residents believe Officer Baker did a commendable job in talking to the Cotillion

owner and communicating with the residents in an effort to bring about a resolution. He convinced the business owner to place timbers on the edges of the parking lot to prevent vehicles from leaving the lot through the field but the timbers were removed by the Cotillion patrons. Officer Baker was later reassigned to another area and the residents believe now that their next step is to petition the Cotillion owner.

Council Member Martz supported that the proper procedure had been followed and the next step will be to bring together the departments who can address specific issues of the situation. He said that communication will continue with the residents on the progress.

Action: Staff will contact departments about addressing.

Board Agenda

Report on activities, events, or concerns in the neighborhoods and/or District V.

Council Member Martz

- The city's public auction will take place on
- Central Realignment
A delay has occurred due to concerns from Wildlife & Parks about an endangered species, the spotted skunk. The Council Member emphasized in communications with the agency that increasing safety through completion of the project is a higher priority, especially the residents.
- Hurricane
Due to Texas having more people than can handle, Wichita is on a 24-hour stand-by for receiving 500 evacuees to be hospitalized and 1,800 needing shelter & assistance. He reviewed much of the information provided earlier by Cynthia Berner-Harris of creating "one-stop shop." Over 500 housing units have been identified for use by the evacuees as they obtain jobs and assistance for living independently. Congress has authorized the additional federal funding for FEMA.
- Reminded Board Members to have Oath of Office signed by a notary and returned to staff.
- Sexually-Oriented Businesses
Council heard concerns regarding this topic and deferred in order for departments to obtain more information to clarify. The item will be coming to the District Advisory Boards.

Board Members

- **Dennis** reported that he participated in a focus group of DAB & WIN members conducted by a consultant for the city. Issues of services that city does well and those that could be improved were discussed.

With no further items, the meeting was adjourned at 10:00 p.m.

The next regular meeting for District Advisory Board V is scheduled at Auburn Hills Clubhouse at **7:00 p.m. on October 3, 2005** the first Monday of the month.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V